

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
NOSHEEN HASAN, M.D., :  
RESPONDENT. : **ORDER 0007172**

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Division of Legal Services and Compliance Case No. 20 MED 181

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Nosheen Hasan, M.D.  
Brookfield, WI 53045

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Nosheen Hasan, M.D., (DOB xx/xx/1970), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 44667-20, first issued on July 2, 2002, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brookfield, Wisconsin.

2. On February 16, 2016, the Board issued Order #0004552, which reprimanded Respondent and limited Respondent's license to practice medicine for prescribing medication in a manner inconsistent with the standard of minimal competence and for violating patient boundaries. On August 12, 2016, Respondent's license was returned to full, unrestricted status.

3. At all times relevant to this matter, Respondent operated a pain management clinic in Milwaukee, Wisconsin (Clinic).

4. On April 25, 2019, the United States intervened in a civil complaint in United States District Court, Eastern District of Wisconsin (Court), Case Number 17CV1796, against Respondent alleging that she received illegal “kickbacks” for the exclusive referral of patients to a specific drug testing laboratory (Laboratory) between 2012 and 2017.

5. The complaint further alleged that Respondent and Respondent’s staff regularly billed Medicare and Medicaid for services, such as drug testing. Respondent would receive compensation from the Laboratory for each patient urine sample sent from Respondent’s Clinic to the Laboratory.

6. The United States alleged that Respondent’s actions violated the Federal Anti-Kickback statute (AKS), 42 U.S.C. § 1320a-7b(b).

7. The United States further alleged that, as part of the alleged laboratory referral scheme, Respondent ordered urine drug tests that were neither medically necessary nor performed as billed as they were performed at the Laboratory but billed by Respondent. The United States contended that this resulted in Respondent retaining an unearned portion of third-party reimbursement.

8. Respondent’s position was that the Laboratory was owned by Respondent’s business entity; therefore, there was no “referral” which would trigger the AKS.

9. Respondent further advised that she was acting in reliance of the terms in the Managed Services Agreement (MSA) purported to be in compliance with all applicable laws and provided by the Relator in the underlying civil claim. Respondent alleges that the Relator advised that the MSA was a “legal, binding contract” and was being used by other clinics.

10. Respondent maintains that monthly urine drug screens for patients being monitored on opiate pain regimens are medically necessary. In furtherance of this contention, Respondent presented an expert’s report by a clinical pain psychologist with over 30 years of experience as a clinician and researcher in pain management. This expert reviewed 60 of Respondent’s patient records and opined that monthly urine drug tests were indicated.

11. On April 29, 2020, Respondent entered into a settlement agreement in which Respondent agreed to pay \$1.35 million (plus interest) in restitution<sup>1</sup> to the United States Government. Respondent separately entered into an Integrity Agreement with the Office of Inspector General to monitor ongoing compliance with applicable Medicare and Medicaid rules.

12. This settlement did not constitute an admission of wrongdoing by Respondent.

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<sup>1</sup> As characterized in Paragraph 1 of the “Terms and Conditions” of the Settlement Agreement in 17CV1796.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c), by having an act constituting the practice of medicine and surgery become subject to adverse determination by any federal agency or authority.

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license to practice medicine and surgery issued to Respondent, (license number 44667-20), is LIMITED to require compliance with the terms of the abovementioned Integrity Agreement which is incorporated by reference into this Order.

4. Within forty-eight (48) hours of receipt of a “Demand Letter”<sup>2</sup> or “Notice of Material Breach and Intent to Exclude,”<sup>3</sup> per the Integrity Agreement, Respondent shall notify the Department Monitor of such receipt and provide a copy of the correspondence.

5. The Board or its designee may, without hearing, suspend or otherwise discipline Respondent’s license to practice medicine and surgery upon receipt of information that Respondent is in violation of this Order or any provision of the Integrity Agreement. The Board or its designee may, in conjunction with such a suspension, prohibit Respondent from seeking termination of the suspension for a specified period of time.

6. After the first year from the date of this Order or the date of the dissolution of the Integrity Agreement, whichever occurs first, Respondent may petition the Board for a modification of this of the terms of this Order or for return to full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. A petition under this paragraph may not be made more frequently than yearly except in the event the Integrity Agreement is dissolved.

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<sup>2</sup> As characterized in Section X.C.1. of the Integrity Agreement.

<sup>3</sup> As characterized in Section X.D.2. of the Integrity Agreement.

7. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$442.00.

8. Delivery of all required notifications, petitions for modification, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information at: <https://dpsmonitoring.wi.gov/>

9. In the event Respondent violates any term of this Order, Respondent's license (no. 44667-20), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

10. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephan A. Wasserman, MD  
A Member of the Board

20 January 2021  
Date



of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Nosheen Hasan, M.D., Licensee  
Brookfield, WI 53045  
License No. 44667-20

1/5/21

Date



Stacy Gerber Ward, Attorney for Licensee  
Von Briesen & Roper, S.C.  
411 E. Wisconsin Avenue  
Suite 1000  
Milwaukee, WI 53202

1/6/21

Date



Lesley McKinney, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1/6/2021

Date